
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JAMES DONALD CAGLE, #21959-078

§

VS.

§

CIVIL ACTION NO. 4:16CV126

§

CRIMINAL ACTION NO. 4:13CR236

§

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge (#27), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** Movant be allowed to file an out-of-time appeal, and that his Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice.

It is also **ORDERED** the Clerk shall reinstate the judgment of conviction in Movant's criminal case on the docket of that cause. The Clerk shall re-enter the original judgment of conviction in the criminal case as of the date of entry of the final judgment in this § 2255 proceeding. **Movant shall have fourteen (14) days from the date of reinstatement of the judgment of conviction in which to file a notice of appeal or motion under Rule 4(b)(4), Fed.**

R. App. Pro.

Finally, it is **ORDERED** all motions by either party not previously ruled on are **DENIED**.

SIGNED at Beaumont, Texas, this 30th day of April, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE